

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**JAMES CURRY, JR.**

**PLAINTIFF**

**v.**

**No. 1:20CV177-RP**

**CITY OF TUPELO POLICE DEPARTMENT**

**DEFENDANT**

**ORDER DENYING PLAINTIFF'S SECOND MOTION [20]  
FOR RELIEF FROM JUDGMENT OR ORDER**

This matter comes before the court on the plaintiff's second motion [20] for reconsideration<sup>1</sup> of the court's order [10] dismissing the instant case for failure to state a claim upon which relief could be granted. The court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion for relief from a judgment or order under FED. R. CIV. P. 60. An order granting relief under Rule 60 must be based upon: (1) clerical mistakes, (2) mistake, inadvertence, surprise, or excusable neglect, (3) newly discovered evidence, (4) fraud or other misconduct of an adverse party, (5) a void judgment, or (6) any other reason justifying relief from the operation of the order. *Id.* The plaintiff, again, merely restates the arguments the court rejected in dismissing the case. As such, the plaintiff has neither asserted nor proven any of the specific justifications for relief from an order permitted under Rule 60. In addition, the plaintiff has not presented "any other reason justifying relief from the operation" of the judgment. As such, the plaintiff's second request [20] for reconsideration is **DENIED**.

**SO ORDERED**, this, the 11th day of May, 2022.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The plaintiff has styled his motion as one seeking reconsideration of the court's previous order [14] (which denied reconsideration of the dismissal [10] of this case).